

1 HOUSE BILL NO. 419

2 INTRODUCED BY S. GUNDERSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO OVERSIGHT OF
5 SUPERFUND SITES; CREATING A FRAMEWORK FOR LOCAL OVERSIGHT COMMITTEES; REVISING
6 THE LIBBY ASBESTOS SUPERFUND OVERSIGHT COMMITTEE; AMENDING SECTION 75-10-1601, MCA;
7 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Superfund oversight committees -- intent -- creation.** (1) It is the
12 intent of the legislature to provide elected local government officials through creation of a superfund oversight
13 committee a decisionmaking role in matters related to local superfund sites to maximize input from the affected
14 local citizenry and promote local solutions and control.

15 (2) (a) To create a superfund oversight committee, a request to the legislature in the form of
16 proposed legislation must be endorsed by an elected state official or a political subdivision whose jurisdiction
17 lies partially or wholly within an area established pursuant to the Comprehensive Environmental Response,
18 Compensation, and Liability Act of 1980 42 U.S.C. 9601, et seq., or within a designated superfund site area that
19 has been or is listed on the national priority list as determined by the United States environmental protection
20 agency.

21 (b) A superfund oversight committee may be formed during any phase of a superfund project,
22 including sites that are completely or partially delisted by the United States environmental protection agency.

23 (3) Legislation proposed pursuant to this section must:

24 (a) prescribe the composition and duties of the specific superfund oversight committee in addition to
25 those required by [sections 1 through 3];

26 (b) provide a name for the committee; and

27 (c) provide the committee's purpose.

28 (4) The committee shall disband when funding is no longer available for the project.

1 (5) A superfund oversight committee is attached to the department of environmental quality for
2 administrative purposes only pursuant to 2-15-121.

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4 **NEW SECTION. Section 2. Superfund oversight committee -- member compensation.** (1) Unless
5 otherwise provided by law, each member is entitled to be paid \$50 for each day in which the member is actually
6 and necessarily engaged in the performance of committee duties and is also entitled to be reimbursed for travel
7 expenses, as provided in 2-18-501 through 2-18-503, incurred while in the performance of board duties.

8 (2) Members who are full-time salaried officers or employees of this state or of a political subdivision
9 of this state are not entitled to be compensated for their service as members except when they perform their
10 committee duties outside their regular working hours or during time charged against their leave, but those
11 members are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503.

12

13 **NEW SECTION. Section 3. Superfund oversight committee -- duties.** (1) A quorum of the
14 committee is required to conduct business.

15 (2) At the first meeting in each calendar year, the committee shall elect a presiding officer.

16 (3) A committee shall meet at least quarterly and may meet at the call of the governor, the presiding
17 officer, or a majority of members. A committee may meet outside Helena at the call of the presiding officer.

18 (4) State activities related to the site must be approved by the committee, including:

19 (a) interaction with the environmental protection agency on matters related to the site, including
20 response actions, investigations, feasibility studies, risk assessments, public health evaluations, remedy
21 selection, environmental justice issues, operation and maintenance policies and manuals, and decision
22 documents, including but not limited to records of decision, operation and maintenance plans, remedial action
23 completion reports, and institutional control plans; and

24 (b) the budgeting and spending of state-controlled funds, including cooperative agreements, grants,
25 settlement funds, and funds needed to fully support operations and maintenance functions that promote and
26 ensure protection of the remedy described in the record of decision by the United States environmental
27 protection agency while minimizing site-related costs to property owners.

28 (5) A committee shall monitor budgets and expenditures for the site and report to the environmental

1 quality council and the legislature in accordance with 5-11-210.

2

3 **Section 4.** Section 75-10-1601, MCA, is amended to read:

4 **"75-10-1601. Libby asbestos superfund oversight committee -- duties.** (1) There is a Libby
5 asbestos superfund oversight committee. ~~The oversight committee is attached to the department of~~
6 ~~environmental quality for administrative purposes only, as prescribed in 2-15-121. The provisions of [sections 1~~
7 ~~through 3] apply to the Libby asbestos superfund oversight committee.~~

8 (2) The Libby asbestos superfund oversight committee consists of:

9 (a) the director of the department of environmental quality or the director's designated representative;

10 (b) a Lincoln County commissioner designated by the commission;

11 (c) a citizen of Lincoln County nominated by the Lincoln County commission and selected by the
12 governor;

13 (d) one member of the house of representatives whose district includes at least a portion of Lincoln
14 County appointed by the speaker of the house; and

15 (e) one member of the senate whose district includes at least a portion of Lincoln County appointed
16 by the senate president.

17 ~~(3) The oversight committee shall select a presiding officer.~~

18 ~~(4) The oversight committee shall meet at least quarterly to fulfill the requirements of this section.~~

19 ~~(5) Duties of the oversight committee include:~~

20 ~~(a) monitoring activities related to the Libby asbestos superfund site;~~

21 ~~(b) assisting in the implementation of final cleanup and long term operation and maintenance plans~~
22 ~~for the Libby asbestos superfund site;~~

23 ~~(c) reviewing documents and providing comments and recommendations to the department of~~
24 ~~environmental quality and to local governments and appropriate federal agencies regarding the Libby asbestos~~
25 ~~superfund site;~~

26 ~~(d) assisting in the preparation and dissemination of reports and other information as necessary;~~

27 ~~(e)(3) In addition to the duties provided in [section 2], the Libby asbestos superfund oversight~~
28 ~~committee shall direct providing recommendations to the department of environmental quality regarding the~~

1 administration of:

2 (i) the Libby asbestos cleanup trust fund provided for in 75-10-1603; and

3 (ii) the Libby asbestos cleanup operation and maintenance account provided for in 75-10-1604;

4 ~~(f) initiating and striving to maintain negotiations with the department of environmental quality, the~~
5 ~~environmental protection agency, and any other entity with a goal of reducing the state and federal roles in the~~
6 ~~long-term operation and maintenance work at the Libby asbestos superfund site while increasing the role of~~
7 ~~Lincoln County in expending funds and managing and implementing operation and maintenance activities; and~~

8 ~~(g) submitting a report to the environmental quality council by July 1 of each year.~~

9 ~~(6) Unless otherwise provided by law, each member is entitled to be reimbursed for travel expenses,~~
10 ~~as provided for in 2-18-501 through 2-18-503, incurred while performing oversight committee duties."~~

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12 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 3] are intended to be
13 codified as an integral part of Title 75, chapter 10, part 16, and the provisions of Title 75, chapter 10, part 16,
14 apply to [sections 1 through 3].

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16 **NEW SECTION. Section 6. Effective date.** [This act] is effective on passage and approval.

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